

10 PCT/PTO 20 JUL 2000

MERCHANT &amp; GOULD P.C.

## United States Patent Application

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: SPECIFIC STEADY-STATE R-TYPE CA<sup>2+</sup> CHANNEL BLOCKERS AND USE THEREOF

The specification of which

a.  is attached hereto  
 b.  was filed on as application serial no. and was amended on (if applicable) (in the case of a PCT-filed application) described and claimed in international no. PCT/CA98/00908 filed 28 September 1998 and as amended on (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

a.  no such applications have been filed.  
 b.  such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
Canada	2,217,088	30 September 1997	
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)

BEST AVAILABLE COPY

I hereby appoint the following attorney(s) and patent agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected herewith:

Albrecht, John W.	Reg. No. <u>40,481</u>	Lacy, Paul E.	Reg. No. <u>38,946</u>
Anderson, Gregg I.	Reg. No. <u>28,828</u>	Larson, James A.	Reg. No. <u>40,443</u>
Ansems, Gregory M.	Reg. No. <u>42,264</u>	Liepa, Mara E.	Reg. No. <u>40,066</u>
Batzli, Brian H.	Reg. No. <u>32,960</u>	Lindquist, Timothy A.	Reg. No. <u>40,701</u>
Beard, John L.	Reg. No. <u>27,612</u>	Lycke, Lawrence E.	Reg. No. <u>38,540</u>
Berns, John M.	Reg. No. <u>43,496</u>	McAuley, Steven A.	Reg. No. <u>P-46,084</u>
Black, Bruce E.	Reg. No. <u>41,622</u>	McDonald, Daniel W.	Reg. No. <u>32,044</u>
Branch, John W.	Reg. No. <u>41,633</u>	McIntyre, Jr., William F.	Reg. No. <u>P-44,921</u>
Bremer, Dennis C.	Reg. No. <u>40,528</u>	Mueller, Douglas P.	Reg. No. <u>30,300</u>
Bruess, Steven C.	Reg. No. <u>34,130</u>	Pauly, Daniel M.	Reg. No. <u>40,123</u>
Byrne, Linda M.	Reg. No. <u>32,404</u>	Phillips, John B.	Reg. No. <u>37,206</u>
Carlson, Alan G.	Reg. No. <u>25,959</u>	Plunkett, Theodore	Reg. No. <u>37,209</u>
Caspers, Philip P.	Reg. No. <u>33,227</u>	Prendergast, Paul	Reg. No. <u>46,068</u>
Chiapetta, James R.	Reg. No. <u>39,634</u>	Pytel, Melissa J.	Reg. No. <u>41,512</u>
Clifford, John A.	Reg. No. <u>30,247</u>	Qualey, Terry	Reg. No. <u>25,148</u>
Cochran, William W.	Reg. No. <u>26,652</u>	Reich, John C.	Reg. No. <u>37,703</u>
Daignault, Ronald A.	Reg. No. <u>25,968</u>	Reiland, Earl D.	Reg. No. <u>25,767</u>
Daley, Dennis R.	Reg. No. <u>34,994</u>	Schmaltz, David G.	Reg. No. <u>39,828</u>
Dalglish, Leslie E.	Reg. No. <u>40,579</u>	Schuman, Mark D.	Reg. No. <u>31,197</u>
Daulton, Julie R.	Reg. No. <u>36,414</u>	Schumann, Michael D.	Reg. No. <u>30,422</u>
DeVries Smith, Katherine M.	Reg. No. <u>42,157</u>	Scull, Timothy B.	Reg. No. <u>42,137</u>
DiPietro, Mark J.	Reg. No. <u>28,707</u>	Sebald, Gregory A.	Reg. No. <u>33,280</u>
Edell, Robert T.	Reg. No. <u>20,182</u>	Skoog, Mark T.	Reg. No. <u>40,178</u>
Epp Ryan, Sandra	Reg. No. <u>39,667</u>	Spellman, Steven J.	Reg. No. <u>45,124</u>
Glance, Robert J.	Reg. No. <u>40,620</u>	Stoll-DeBell, Kirstin L.	Reg. No. <u>43,164</u>
Goggin, Matthew J.	Reg. No. <u>44,125</u>	Storer, Shelley D.	Reg. No. <u>45,135</u>
Golla, Charles E.	Reg. No. <u>26,896</u>	Sumner, John P.	Reg. No. <u>29,114</u>
Gorman, Alan G.	Reg. No. <u>38,472</u>	Summers, John S.	Reg. No. <u>24,216</u>
Gould, John D.	Reg. No. <u>18,223</u>	Swenson, Erik G.	Reg. No. <u>45,147</u>
Gregson, Richard	Reg. No. <u>41,804</u>	Tellekson, David K.	Reg. No. <u>32,314</u>
Gresens, John J.	Reg. No. <u>33,112</u>	Trembath, Jon R.	Reg. No. <u>38,344</u>
Hamre, Curtis B.	Reg. No. <u>29,165</u>	Underhill, Albert L.	Reg. No. <u>27,403</u>
Hillson, Randall A.	Reg. No. <u>31,838</u>	Vandenburgh, J. Derek	Reg. No. <u>32,179</u>
Holzer, Jr., Richard J.	Reg. No. <u>42,668</u>	Wahl, John R.	Reg. No. <u>33,044</u>
Johnston, Scott W.	Reg. No. <u>39,721</u>	Weaver, Karrie G.	Reg. No. <u>43,245</u>
Kadievitch, Natalie D.	Reg. No. <u>34,196</u>	Welter, Paul A.	Reg. No. <u>20,890</u>
Karjeker, Shaukat	Reg. No. <u>34,049</u>	Whipps, Brian	Reg. No. <u>43,261</u>
Kastelic, Joseph M.	Reg. No. <u>37,160</u>	Wickhem, J. Scot	Reg. No. <u>41,376</u>
Kettelberger, Denise	Reg. No. <u>33,924</u>	Williams, Douglas J.	Reg. No. <u>27,054</u>
Keys, Jeramie J.	Reg. No. <u>42,724</u>	Witt, Jonelle	Reg. No. <u>41,980</u>
Knearl, Homer L.	Reg. No. <u>21,197</u>	Wu, Tong	Reg. No. <u>43,361</u>
Kowalchyk, Alan W.	Reg. No. <u>31,535</u>	Xu, Min S.	Reg. No. <u>39,536</u>
Kowalchyk, Katherine M.	Reg. No. <u>36,848</u>	Zeuli, Anthony R.	Reg. No. <u>45,255</u>

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

Please direct all correspondence in this case to Merchant & Gould P.C. at the address indicated below:

Merchant & Gould P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903

I hereby declare that all statements made hereof of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name <u>BKAILY</u>	First Given Name <u>Ghassan</u>	Second Given Name
0	Residence & Citizenship	City Sherbrooke	State or Foreign Country Quebec, Canada	Country of Citizenship Lebanon - Canada
1	Post Office Address	Post Office Address 1840 rue Simard	City Sherbrooke	State & Zip Code/Country Quebec Canada J1J 3X6

Signature of Inventor 201:

Date:

*10-05-2000*

2	Full Name Of Inventor	Family Name <u>D'ORLEANS-JUSTE</u>	First Given Name <u>Pedro</u>	Second Given Name
0	Residence & Citizenship	City Sherbrooke	State or Foreign Country Quebec Canada	Country of Citizenship Canada
2	Post Office Address	Post Office Address 1709 rue Marcil	City Sherbrooke	State & Zip Code/Country Quebec Canada J1J 2H7

Signature of Inventor 202:

Date:

*10/5/2000*

2	Full Name Of Inventor	Family Name <u>CALIXTO</u>	First Given Name <u>Joaao</u>	Second Given Name <u>B.</u>
0	Residence & Citizenship	City Florianopolis	State or Foreign Country Brazil	Country of Citizenship Brazil
2	Post Office Address	Post Office Address Rua Dr. Joao Carlos Baron Maurer, 40, Jardim Anchieta	City Florianopolis	State & Zip Code/Country Brazil CEP-88000-120

Signature of Inventor 203:

Date:

2	Full Name Of Inventor	Family Name <u>YUNES</u>	First Given Name <u>Rosendo</u>	Second Given Name <u>A.</u>
0	Residence & Citizenship	City Florianopolis	State or Foreign Country Brazil	Country of Citizenship Brazil
4	Post Office Address	Post Office Address Rua Joaquim Costa, 185, Agronomica	City Florianopolis	State & Zip Code/Country Brazil CEP-88025-400

Signature of Inventor 204:

Date:

*[Signature]*

**§ 1.56 Duty to disclose information material to patentability.**

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)–(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
  - (1) Each inventor named in the application;
  - (2) Each attorney or agent who prepares or prosecutes the application; and
  - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

Attorney Docket No. 9555.97USWO

MERCHANT &amp; GOULD P.C.

## United States Patent Application

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: SPECIFIC STEADY-STATE R-TYPE CA<sup>2+</sup> CHANNEL BLOCKERS AND USE THEREOF

The specification of which

a.  is attached hereto  
 b.  was filed on March 28, 2000 as application serial no. 09/509,462 and was amended on (if applicable) (in the case of a PCT-filed application) described and claimed in international no. PCT/CA98/00908 filed 28 September 1998 and as amended on (if any), which I have reviewed and for which I solicit a United States patent.

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U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

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Albrecht, John W.	Reg. No. 40,481	Lacy, Paul E.	Reg. No. 38,946
Anderson, Gregg I.	Reg. No. 28,828	Larson, James A.	Reg. No. 40,443
Ansems, Gregory M.	Reg. No. 42,264	Liepa, Mara E.	Reg. No. 40,066
Batzli, Brian H.	Reg. No. 32,960	Lindquist, Timothy A.	Reg. No. 40,701
Beard, John L.	Reg. No. 27,612	Lycke, Lawrence E.	Reg. No. 38,540
Berns, John M.	Reg. No. 43,496	McAuley, Steven A.	Reg. No. P-46,084
Black, Bruce E.	Reg. No. 41,622	McDonald, Daniel W.	Reg. No. 32,044
Branch, John W.	Reg. No. 41,633	McIntyre, Jr., William F.	Reg. No. P-44,921
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Byrne, Linda M.	Reg. No. 32,404	Phillips, John B.	Reg. No. 37,206
Carlson, Alan G.	Reg. No. 25,959	Plunkett, Theodore	Reg. No. 37,209
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Cochran, William W.	Reg. No. 26,652	Reich, John C.	Reg. No. 37,703
Daignault, Ronald A.	Reg. No. 25,968	Reiland, Earl D.	Reg. No. 25,767
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Dalglish, Leslie E.	Reg. No. 40,579	Schuman, Mark D.	Reg. No. 31,197
Daulton, Julie R.	Reg. No. 36,414	Schumann, Michael D.	Reg. No. 30,422
DeVries Smith, Katherine M.	Reg. No. 42,157	Scull, Timothy B.	Reg. No. 42,137
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Epp Ryan, Sandra	Reg. No. 39,667	Spellman, Steven J.	Reg. No. 45,124
Glance, Robert J.	Reg. No. 40,620	Stoll- DeBell, Kirstin L.	Reg. No. 43,164
Goggin, Matthew J.	Reg. No. 44,125	Storer, Shelley D.	Reg. No. 45,135
Golla, Charles E.	Reg. No. 26,896	Sumner, John P.	Reg. No. 29,114
Gorman, Alan G.	Reg. No. 38,472	Summers, John S.	Reg. No. 24,216
Gould, John D.	Reg. No. 18,223	Swenson, Erik G.	Reg. No. 45,147
Gregson, Richard	Reg. No. 41,804	Tellekson, David K.	Reg. No. 32,314
Gresens, John J.	Reg. No. 33,112	Trembath, Jon R.	Reg. No. 38,344
Hamre, Curtis B.	Reg. No. 29,165	Underhill, Albert L.	Reg. No. 27,403
Hillson, Randall A.	Reg. No. 31,838	Vandenburgh, J. Derek	Reg. No. 32,179
Holzer, Jr., Richard J.	Reg. No. 42,668	Wahl, John R.	Reg. No. 33,044
Johnston, Scott W.	Reg. No. 39,721	Weaver, Karrie G.	Reg. No. 43,245
Kadievitch, Natalie D.	Reg. No. 34,196	Welter, Paul A.	Reg. No. 20,890
Karjeker, Shaukat	Reg. No. 34,049	Whipps, Brian	Reg. No. 43,261
Kastelic, Joseph M.	Reg. No. 37,160	Wickhem, J. Scot	Reg. No. 41,376
Kettelberger, Denise	Reg. No. 33,924	Williams, Douglas J.	Reg. No. 27,054
Keys, Jeramie J.	Reg. No. 42,724	Witt, Jonelle	Reg. No. 41,980
Knearl, Homer L.	Reg. No. 21,197	Wu, Tong	Reg. No. 43,361
Kowalchyk, Alan W.	Reg. No. 31,535	Xu, Min S.	Reg. No. 39,536
Kowalchyk, Katherine M.	Reg. No. 36,848	Zeuli, Anthony R.	Reg. No. 45,255

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

Please direct all correspondence in this case to Merchant & Gould P.C. at the address indicated below:

Merchant & Gould P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name BKAILY	First Given Name Ghassan	Second Given Name
0	Residence & Citizenship	City Sherbrooke	State or Foreign Country Quebec, Canada	Country of Citizenship Lebanon
1	Post Office Address	Post Office Address 1840 rue Simard	City Sherbrooke	State & Zip Code/Country Quebec Canada J1J 3X6

Signature of Inventor 201:

Date:

2	Full Name Of Inventor	Family Name D'ORLEANS-JUSTE	First Given Name Pedro	Second Given Name
0	Residence & Citizenship	City Sherbrooke	State or Foreign Country Quebec Canada	Country of Citizenship Canada
2	Post Office Address	Post Office Address 1709 rue Marcil	City Sherbrooke	State & Zip Code/Country Quebec Canada J1J 2H7

Signature of Inventor 202:

Date:

2	Full Name Of Inventor	Family Name CALIXTO	First Given Name Joao	Second Given Name B.
0	Residence & Citizenship	City Florianopolis	State or Foreign Country Brazil	Country of Citizenship Brazil
3	Post Office Address	Post Office Address Rua Dr. Joao Carlos Baron Maurer, 40, Jardim Anchieta	City Florianopolis	State & Zip Code/Country Brazil CEP-88000-120

Signature of Inventor 203:

Date: 06/20/2000

2	Full Name Of Inventor	Family Name YUNES	First Given Name Rosendo	Second Given Name A.
0	Residence & Citizenship	City Florianopolis	State or Foreign Country Brazil	Country of Citizenship Brazil
4	Post Office Address	Post Office Address Rua Joaquim Costa, 185, Agronomica	City Florianopolis	State & Zip Code/Country Brazil CEP-88025-400

Signature of Inventor 204:

Date: 06/20/2000

### § 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application in claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

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(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;

(2) It refutes, or is inconsistent with, a position the applicant takes in:

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A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

20 JUL 2000

# 3

## NONPROFIT ORGANIZATION

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 C.F.R. 1.9(e) AND 1.27(d)) – NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: Universite de Sherbrooke  
ADDRESS OF  
ORGANIZATION: 2500, boulevard de l'Universite  
Sherbrooke  
Quebec  
Canada J1K 2R1

**TYPE OF ORGANIZATION:**

**CHECK ONEa)  UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION**

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 C.F.R. 1.9(e) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in regard to the invention, entitled **SPECIFIC STEADY-STATE R-TYPE Ca 2+ CHANNEL BLOXKERS AND USE THEREOF** by inventor(s) Ghassan BKAILY; Pedro D'ORLEANS-JUSTE; Joao B. CALIXTO; Rosendo a. YUNES described in

- a)  the specification filed herewith.
- b)  provisional application serial no. \_\_\_, filed \_\_\_.
- c)  non-provisional application serial no. \_\_\_\_\_, filed March 28, 2000.
- d)  patent no. \_\_\_, issued \_\_\_.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 C.F.R. 1.9(c) or by any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d) or a nonprofit organization under 37 C.F.R. 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. 1.27) INSERT CO-OWNERS, IF ANY

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I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of

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